BURTON'S STORY OF KEARNS' TRICK

Interesting Affidavit in the Silver King Coalition Litigation Now Under Way.

CHICANERY AND DECEPTION.

After Sometime Senator Had Yielded Reluctantly to Mandate of U. S. Court Developments Follow.

Although a stipulation was entered into by Tom Kearns, sometime United States senator from Utah, and prominently identified with the mining industry of Utah, that the owner of the Silver King Consolidated Mining company might examine the underground workings of the Silver King Coalition Mines company (of which Mr. Kearns is general manager) in order to satisf nself that there had been no theft of several millions of dollars' worth f ore, it required an order of the court to force, or rather permit the examina tion. The sometime United States senaor, however, as represented by his assistant manager, yielded reluctantly to the mandate of the United States court

The story of the joint ownership of owned jointly by the Silver King Consolidated Mining company and the Silver King Coalition Mines company, and the charge that the latter pany, headed by Tom Kearns, stole ore from the jointly owned mine, is a long one, with many chapters. Chicanery, deception and with the avowed inten-tion of purpose to deceive form threads running through the woof and web of the whole tale in which an accounting for several millions of dollars is asked. of the most interesting chapters is told in the affidavit of Mr. L. G. Burton, on file in the United States

Under the stipulation entered into, and upon the order of the court, Mr. Burton, as engineer for the plaintiff tompany, entered the Silver King mine. His experience is told in his affidavit

BURTON'S DEPOSITION.

L. G. Burton, being first duly sworn, deposes and says;

am a resident of Salt Lake City

L. G. Burton, being first duly sworn, deposes and says:

I am a resident of Sait Lake City, and a civil engineer and United States mineral surveyor, and have been author more than 20 years last past; I have been employed by the plaintift above named to inspect, examine and survey the underground workings of the Silver King mine of the defendant ing if any of the workings thereo, were projected to and beneath the surface of the mining claims of the silver king mine of the defendant of the surface of the mining claims of the surface of the mining and the surface of the mining claims of the surface of the mining and the surface of the mining and the surface of the mining and the surface of the surface of the mining claims of the surface of the surface of the defendant of the surface of the surface of the defendant of the surface of the surface of the surface of the defendant of the surface of the that he would not permit us to go furiher; that in answer to the inquiry of
ald Spiro Dailey informed us that he
would take us to any level in said
sine, but would not permit us to go
into any of the drifts, tunnels or other
workings of said mine beyond the atation in and near the shaft; that he was
working under the directions of the
attorneys and general officers of the
defendant company and must obey
their instructions; said Dailey first informed us that he had never seen a
ropy of said stipulation and knew nothing about its terms, and asked permission to take a copy of the stipulation
which said Spiro exhibited to nim;
when said Spiro exhibited to nim;
when said Spiro informed him that a
sopy of said stipulation had been sent
to the defendant by registered mail adiressed to Park City on June 9, 1998,
he denied having received it, but before
we left him said Dailey said he was
familiar with the terms of said stipuktion and had a copy thereof in his
nossession.



all workings would show on said map; that said map was exhibited to me at the mine office of the Silver King Mining company in Park City; but said map was incorrect and did not show the workings on the 700-foot level in said mine hereinafter referred to; that in company with James Mcgregor, the president of the said Magnolia-St. Louis Mining company. I went to the 700-foot level in said mine and said McGregor took me to a place where he said we would find a bulkhead; that on arriving at said place we found the sides and top of said level had been closely lagged with planks.

mine whether any of the workings of said mine enter and penetrate the said mine sand claims of this plaintiff, it will be necessary to have admission to and permission to examine all of the levels, drifts, tunnels, raises, winzes and other underground workings of said Silver King mine, whether the same run in the direction of one to the same run in the direction of one to the said claim of this plaintiff or otherwise, and if any thereof extendinto plaintiff's said properties, to survey the same.

Further afflant saith not.

L. G. BURTON.

Sworn to before Jessle E. Alley, N.

P., June 17, 1908 and filed same day.

CHAUFFEUR LOCKED UP. DENIALS OF BROOKS ET AL.

We found there evidences of recent and extensive workings but said Dalley and said Brooks who accompanied us, assured us that no work had been done there for a long period of time; said McGregor told said Dalley that there was a bulkhead at said point and asked him to remove it, but Dalley denied that there was a bulkhead there and refused to remove the lagging;

KEITH WAS HILARIOUS.

FAMILIAR WITH MINE,

I am somewhat familiar with the main workings shaft and underground workings of defendant's said mine, having been employed by the Magnoila-St. Louis Mining company as its nurveyor to inspect, examine and surrey the said mine under and purvaint to a stipulation and order of this court in the suit entitled Magnoila-St. Louis Mining company as Silver King Mining company is the predecessor in interest of the defendants. The predecessor in interest of the defendant in his action; that said principle of the defendant in said entitled action, and each of said persons hold the same positions for the defendant in this action; that at the time I made the examination for said Magnoila-St. Louis Mining company, to wit: — 1905, under said order, I was shown a map by said M. J. Dailey, who then held the same position for the defendant in that action that he now holds for defendant in this action, and who in the affisavit filed in said action, now on file in the clerk's office of this court, stated that he had been in entire charge and tontrol of said Silver King mine from April, 1899, to November, 1906, that said pailey and C. P. Brooks, who was hen the surveyor and engineer of the filver King Mining company and occupies the same position now for the defendant in this action, stated to affair that said mag, was a crue and torrect and up-to-date map of the un-lerground workings of said mine; that alf Brooks informed me that once each month he made a survey of the lew workings in said mine and placed hem on the map, and that therefore KEITH WAS HILARIOUS.

Subsequently I met said Keith on the street in Salt Lake City, and he said to me, "Don't you think that bulkhead was cleverly constructed?" and laughed and joked about it. At another place in said mine, while making said examination, we found an upralse which said Brooks informed us extended only 20 feet. I climbed up, said upraise and discovered that it extended up about 156 feet, and from its top I discovered a long drift extending for over 100 feet; at another time during such examination we requested to be taken to the 1,150 level; said Dailey and Brooks assured us there was no such level in the mine, but we had unbeknown to either said Dailey or Brooks, already been in said level and after describing the same to them and just how access could be gained thereto, they admitted the existence of the same and permitted us to enter it; that during said examination I discovered that the underground workings of said Silver King mine on all the levels that I entered, being nearly every level in the mine, were circuit tous, winding, crooked, and very frequently changed course; that the said 700 foot level leading to the Magnolia and St. Louis claims, which are situated southwesterly from the shaft of the Silver King mine, left the said shaft and ran to the east 200 or 300 feet, then ran to the goutheast about 200 feet, then ran westerly, almost paralleling the first course for about 150 feet, and then

Strange & McGuire, the contractors who are competing with P. J. Moran, the official contractor, will be given the right to enjoy the same rights as their "hated rival" if the recommendations of the public grounds committee are carried out. The contractors will be given the right to locate their asphaltum plant in City Creek canyon, near Moran's plant on city property, but they will have to pay mo was pointed out last night that there was pienty of room for both plants. Moran's men in the council object seri-

Moran's men in the council object serlously to the other contractors having an equal show with Moran although they have reduced the price of asphalt paving 25 per cent.

The petition of J. E. Sallsbury and about 500 other residents of the west side, asking for the enlargement of the surplus canal as a means of guarding against high water this oping was filed along with the proposal of the Utah Sand Dredging company to dredge the river for 25 cents a cubic yard.

dredge the river for 25 cents a cubic yard.

The street committee decided to sell the city rock crusher and motor to H. S. Margetts for \$600. This crusher was purchased five years ago for \$1,290 and was for four of those years used by P. J. Moran free of charge. Then Margetts got hold of it and has used it up to date without paying anything for it.

Frank Gowan, superintendent for P.

Frank Gowan, superintendent for P. Frank Gowan, superintendent for P. J. Moran, was arraigned before the streets committee for closing up Gale street. Moran is now prosecuting suit in the district court to quiet title, and the action of the council will be postponed until the suit is decided. The council held a meeting long enough to pass the pay roll which amounted to \$11,398.40.

ASHTON ADDRESSES BANKERS.

Fifty members of the Salt Lake Chapter of the American Institute of Banking listened Thursday evening to Attorney E. C. Ashton lecture on commercial law, He discussed particularly the law of partnership, explained the distinction between a stockholder in a corporation and a partner in an ordinary business concern in assuming liabilities. At the next meeting of the chapter, there will be a debate on the question, "Resolved: That the postal savings bank would be of great benefit to the people of the United States." The entertainment committee is arranging with the Burroughs Adding Machine company for a contest to be held at one of the future meetings of the chapter. Attorney E. C. Ashton lecture on com-

Alexander Optical Co., 218 Main.

AMUSEMENTS

mines and claims of this plaintiff, it will be necessary to have admission to and permission to examine all of the levels, drifts, tunnels, raises, winzes and other underground workings of said Silver King mine, whether the same run in the direction of or drift or otherwise, and if any thereof extend into plaintiff's said properties, to survey the same.

Further afflant saith not.

L. G. BURTON.
Sworn to before Jessle E. Alley, N.P., June 17, 1998 and filed same day.

CHAUFFEUR LOCKED UP.

George Moore, chauffeur for W. Holt, was arrested at 1416 this morning by Patrolman Phillips on the charge of violating the sidewalk ordinance. According to the policeman, Moore had a number of persons in an automobile and deliberately drove on to the sidewalk at First South and West Temple. At police head, castrer Moore the refused to put up ball and Moore was locked up.

RIVAL PLANTS

IN CITY CREEK

Strange & McGuire May Operate Adjacent to Pat Moran, At an Advance.

STORY OF A ROCK CRUSHER.

Committee Decides to Sell Machine Which Has Been Used Free of Charge for Years.

Committee Decides to Sell Machine Which Has Been Used Free of Charge for Years.

A McGuiro the contractors of the Lambard opera people, now appearing at the theater, the more one sees and hears of the Lambard opera people, now appearing at the theater, the more distinct the working as of the Lambard opera people, now appearing at the theater, the more of the longstrate of the form appearing at the theater, the more distinct of the constitution of the learn of the organization, or "Il Trovatore." which went before an audience considerably larger than the town after Last night's presentation of "Il Trovatore." which went before an audience considerably larger than the town after Last night's presentation of "Il Trovatore." which went before an audience considerably larger than the town after Last night's presentation of "Il Trovatore." which went before an audience considerably larger than the town after Last night's presentation of "Il Trovatore." which wen

behind the scenes, due to atmospheric conditions.

The staging and dressing were all superior, even though there was a touch of the quaintly old fashloned in some of the "props" employed.

Tonight "Faust" forms the bill, with either Aaberto or Calvi as Marguerite, with Nadal, who made so fine an impression in "Lucia," as Faust, and with Sabellico, a new basso, as Mephisto, The soliders chorus, and the big ballet by this company and its fine orchestra should prove immense features.

Tomorrow afternoon ends the engagement with a double bill, "Caval-leria Rusticana" and "Pagliacet" with Scalabrint and Calvi in the latter, and Mme. Bosetti and Nadal in the form-

Last night's fine presentation of "Il Trovatore" set the old timers in the audience to digging up reminiscences and comparing notes. It was recalled that Verdi's undying opera had been rendered here times without number, the first presentation being by the Hess Opera company, which visited us about 1875, and introduced such singers as Mass and Castle tenors, Carleton baritons, Zelda Seguin contralto, the best Gyspy Queen Salt Lake ever heard, Peakes and Connelly the bassos, and Miss Beaumont, soprano.

In later days Emma Abbott gave a fine rendition with herself at Leonora, Tom Karl as the tenor and Tagliapietra, the peerless baritone, as the count, He left the finest impression of anyone, and several times last night it was noticed that some of his beautiful methods were recalled by those of Mr. Maggi.

Mapleson's Grand Opera company also once gave a fine presentation of "Il Trovatore," when the feature was the great tenor Cardanalli, whom Scalabrin! last night greatly resembled. Scalchi was to have sung the Gypsy at the same time, but she failed to appear because, as it was given out, she was prostrated with grief over the death of a favorite parrot.

Mission—There were also some grand overa selections from "Il Trova-

KO

death of a favorite parrot.

Mission—There were also some grand opera selections from "Il Trovatore" at the Mission theater last night. The act is the headliner of an excellent program which will be given during the week, by the Le Brun Grand Opera Trio, who render the selections in English with remarkable talent; the act was appreciated by audiences which crowded both performances, Antoinette Le Brun sang the role of "Leonora," showing considerable range in her soprano voice. Manrico was given by Fritz N. Huttman, who possesses a good tenor voice. Robert Mallory as Count De Luna rendered his part in a perfect manner. Their articulation and expression were good and it was such a diversin from the common run of vaudeville that the audience, which applauded generously would have enjoyed more. The setting and costumes were in keeping with the selection. During the scene Madam Le Brun interpolated "When the Heart is Free."

Miss Louise Taylor charmed her hearers with her fine soprano voice in several popular songs. She was assisted by Lola Yberri in an artistic fantasy, "A Dream of a Dance," which rounded the number out in good fashion.

The Les Jundts, equilibristics, introduced some sensational things in their line of head balancing which has not been seen here before. Nat Nazarro and company, composed of two muscular men and two midgets, furnished considerable amusement in their acts of tumbling.

Bungalow—"St. Elmo" is in its closing perforances. Next week, Willard Mack being willing, we shall in all probability see "Because She Loved Him So," although the house still keeps "All of a Sudden Peggy" underlined in its advertisements, no doubt as a precautionary measure. considerable amusement in their acts of tumbling.

Leon Rogee, who was introduced as the 'human orchestra,'' filled his part of the bill by imitating a number of instruments and then whistling several selections accompanied by the orchestraction.

The Alaskan—The Alaskan, which has been greatly changed since its last presentation, will run four nights next week at the Salt Lake Theater beginning Monday with a matinee Washington's birthday. The sale of seats begins today.

COMING DEBATES.

Likely Bunch of Young Orators From University Given a Tryout.

foolish songs and said some ridiculous things, but he seemed to delight the audience with his antics. Three selections from the orchestra under the direction of Prof. C. Mollerup, and the Mission picturegraph concluded the bill. Orpheum—The engagement of Alice Lloyo, the English comedienne at the Orpheum will end with the close of the week. Miss Lloyd has become a dis-tinct popular favorite during her week in Salt Lake. Orpheum—The engagement of Alice Lloyo, the English comedienne at the Orpheum will end with the close of the week. Miss Lloyd has become a distinct popular favorite during her week in Salt Lake.

Colonial—"The Top of the World" will play to a mammoth matinee to-

subject of debate will be "Resolved that a system of bank deposit guaranty, similar to that in use in Oklahoma, is desirable."

The same subject will form the bone of contention, on March 25 in Sait Lake, between a team from the Agricultural college of Logan, and Hugo Anderson, C. T. Woodbury and J. S. Fish of the University of Utah.

In a tryout, held at the City and County building Thursday, the foregoing two named teams were selected to represent the University of Utah. These six young men were chosen by Coach Roberts out of 15 who entered the test. Much ability was shown by all the contestants, and in some instances it was a difficult matter to say just which were the best, and which would prove the strongest men in upholding the reputation of Utah's educational institution in the forthcoming spirited contests.

NOTICE.

Burton Coal & Lumber Company will nove their up-town office to their yards, 551 South Third West Street, on March 1st, 1910. Phones 808.

The Kingdom Of Slender Swords.
A slender sword is the image of
Japan. So bright and pointed is this
story—\$1.50.
DESERET NEWS BOOK STORE.
No. 6 Main Street.

A Day of Way Under Prices at the Store

Where People Love to Trade.

Said a Gentleman:- "My wife and I make a point to come down every Saturday evening to trade on account of the music.

We believe we have the right idea of business: Service. The public expect it and go to trade where they can get it. And the shopping crowds at Keith-O'Brien's show more eloquently than words express that our service is appreciated.

Values you should take advantage of for the prices are way down.



Jimmy Wall, a black-face, sang some

KOB

KO

\$3.45 for Wright and Peter's \$5.00 \$6.00, \$7.00 shoes. They are perfection in fitting qualities and styles.

\$2.65 Women's Shoes, over fifty styles, of \$3.50 and \$4.00 grades. \$1.95 Women's Shoes that are worth \$4.00 and \$5.00.

Men's Shoes and Oxfords.

\$3.95 for \$5.00 qualities. We carry all sizes. 5 to 11 and widths AA to EE. \$3.45 Women's Oxfords, a great many styles of new spring oxfords.
\$3.45 Women's Dress Slippers and pumps. Worth \$4.00, \$5.00 and \$6.00. A large assortment of styles.

'Misses' and Children's Shoes.

You want your children fitted with care and ith shoes that are made properly. We pay particular attention to this. The department has many bargains today for

Boys' Shoes.

We pride ourselves on their wearing qualities. \$1.95 to \$3.50.

Boys, Misses' and Children's School Shoes.

\$1.45 Misses' Shoes. They are splendid leath-and shoes to wear. \$2.25 Boys' High Cut Boots that sold for \$3.50 to \$5.00, excellent shoes to wear. Your choice of to \$5.00, excellent shoes to wear. any pair we have left in stock.

\$1.95 Misses' and Children's school shoes. \$1.00 Indian Mocassins for men, boys, women and children.

Ladies' Hand Bags.

Real leather, leather lined, riveted frames, protected corners, contains coin purses; 10 and 12 inch frames. Values from \$2.50 to \$3.75 for \$1.75.

Buster Brown Belts.

All kinds, colors and sizes. Regular 25c.

Ladies' Short Silk Kimonas.

Some are sheered at the waist, some are log plain and flowered. Regular \$5.75 for \$2.98.

Toilet Specials.

Rose and Almond cream for chapped hands—regular 25c; special 15c.

Bathasweet, a perfumed luxury for the bath, 23c, special 19c.

Sanitol tooth and mouth wash, 50c size for 38c. For Cleaning gloves and clothes use Togo. 25c a bottle. Magda Tollet Cream, made of cucumber and

Orange flower. 50c size. Special 38c. Stationery values up to 75c, for 35c. Candy for Saturday.

K. O. B.s' special—pound box of chocolate creams; regular 40c. Saturday for 25c each. Fresh cocoanut pattles in three flavors, choco-late, vanilla and strawberry. Almays sells for 40c a pound. Special 20c.

Half-Price Sale of Corsets

Medium and long leng-ths, filled with whale bone. One of the best makes we carry. \$10.00 models, for \$5.00. \$5.00 models for \$2.50. Just a few left.

50 Cents

There is a good model in this lot for every figure. Some of these corsets come as high as \$1.50, but they are odd sizes so we have to get rid of them.

We have two new models in the Nemo Corset, \$2.00.



Mens' Spring and Summer Shirts.

The biggest value in a long time. Procured from a shirt maker who has given up the struggle. The making cost of white shirts in the face of constantly rising cost of price and has just put all his operators on this particular make. The patterns are dainty, and airy; the materials are good, the workman-ship excellent. And we believe the manufacturer will turn discouragement into success, for these shirts show that a new field has been

Mens' Specials.

33-13 per cent discount on night robes and pajamas. French and outing flannel. All white plaited shirts, \$1.25.

1-4 reduction on suit cases and bags. 50c ties, 25c. Over 26 patterns.

Ladies Box Hose-3 Pairs \$1.00

The Wayne Knitting works makes as good a hose as can be bought. They are made to wear a long time. And right there is where economy comes in. These hose are so fashioned that they fit the feet comfortably; they never scratch or hurt. It is an indestructible hose. On each pair is a ticket bearing the guarantee to give perfect service and will not wear to holes before you think it should. It is left to your judgment and fairness. If not as guaranteed exchange for a new pair.

We also carry a black lisle high spliced heel, double sole; 35c a pair, 3 for \$1.00.



Spring Skirts

All wool black panamas, A most serviceable skirt, made in the new pleated effect. Saturday, \$4.95.

> Ladies Tailored Suits

Fitted or semi-fitted coats with pleated or gored skirts. A splendid line of high grade skirts in serges, broadcloths, diagonals, panama and novelties. All the pouplar colors and black. Sizes 34 to 42. Values up to \$32.50, Saturday, \$9.95. Values up to \$37.50, Saturday, \$14.95.

ALTERATIONS EXTRA.

DRESSES AND GOWNS AT HALF PRICE

This sale includes one-piece dresses for | ladies and misses of broadcloth, serge, panama, shepherd, check novelties and mixtures. Jaunty styles in Co-Ed, Peter Thompson, and tailored models. Sale prices ranging from \$6.95 up. Dainty afternoon and evening gowns of Mes-

saline, foulard, crepe, shantung and satins. Sale prices from \$11.25, \$13.75 up.
Velvet Costumes, made in the smart one-piece tailored effect. Deep rolling revers and pleated effect skirt. Shown in green, wisteria, navy, brown and black. Regular \$55.00, sale \$17.50. Big discounts on all fur neck scarfs and muffs. ur coats at 1-2 prices-ranging from \$13.75 up.

